

Remarks

Claims 1-3 and 6 were previously pending in the application. After entry of the response Claims 1-3 and 6 will be pending. Reconsideration is respectfully requested based on the following remarks.

Claim Rejections 35 U.S.C. §103

Claims 1-3 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kim et al. (U.S. Publication No. 2002/0159001), herein referred to as “Kim(1)”, in view of Kim et al. (U.S. Publication No. 2005/0168930), herein referred to as “Kim(2)”, and further in view of Wakita (U.S. Patent No. 6,828,721).

Of the above-referenced claims, Claim 1 is independent. Accordingly, once allowability of that claim is established, all claims depending therefrom are likewise allowable.

Applicants respectfully submit that Kim(1) is not a valid reference. Preliminarily, Applicants note that the present application and the Kim(1) have common inventorship (Tae-Joon Kim) and common ownership as both the present application and Kim(1) were at the time the claimed invention was made, owned by the same entity or subject to an obligation of assignment to the same entity (Samsung).

As such, due to having same inventorship, Kim(1) is excluded as a reference under 102(a). Kim(1) is further excluded as a reference under 102(b) as the Kim(1) was published October 31, 2002 less than one-year prior to Applicants' U.S. filing date of September 24, 2003. Although the Kim(1) reference's U.S. filing date of April 26, 2002 is prior to Applicants' filing date of September 24, 2003, Kim(1) and the present application are commonly owned. As such, under 35 U.S.C. §103(c)(1) subject matter developed by

another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The Examiner indicated that Applicants' arguments in the response filed June 20, 2008 with respect to Claims 1-3 and 6 and the references of Kim(2) and Wakita have been fully considered and are persuasive, particularly in that Kim(2) does not disclose a bottom pan, as recited in Applicants' Claim 1.

As Kim(1) is believed to be no longer available as a reference, and Kim(2) does not disclose a bottom pan, Applicants respectfully submit that Wakita does not remedy the deficiency of Kim(2). As such, Applicants respectfully submit that Kim(2) and Wakita alone or in combination do not disclose, teach, or otherwise make obvious Applicants' claimed subject matter.

For at least these reasons, Applicants respectfully submit independent Claim 1 and all claims depending therefrom are patentable.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a).

Conclusion

In view of the remarks set forth above, it is submitted that the application is now in condition for allowance. Authorization is given to charge any fees due or credit any overpayments in regard to this communication to deposit account 50-2257. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.


Certification of Electronic Transmission

I hereby certify that this paper is being electronically transmitted to the U.S. Patent and Trademark Office on the date shown below.


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December 10, 2008
Date of Signature

Respectfully submitted,


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